IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13514 of 2004

Between:

T. Srinivasa Reddy, S/o Sri Bhoomi Reddy,
R/o APSRTC Quarters, Medak, Medak District.

..... PETITIONER

AND

1 The Managing Director, A.P.S.R.T.C, Musheerabad, Hyderabad,
2 The Divisional Manager, A.P.S.R.T.C, Sangareddy, Medak District.
3 The Depot Manager, A.P.S.R.T.C, Medak Depot, Medak.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declare the proceedings No. M1/114(2)2004-MDK dated 26-7-2004 placing the petitioner under suspension for an incident unconnected to the employment is illegal and arbitrary (ii) declare the initiating of disciplinary proceedings by issuing charge sheet No. M1/114(2)2004 -MDK dated 26-7-2004 is illegal and arbitrary and consequently set aside the same

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.K.HARINATH

The Court made the following:

ORAL ORDER:

The petitioner is working as an Assistant Depot Clerk in the respondents-Corporation. The petitioner contended that initially, he joined in the respondents-Corporation as a Conductor in the year 1972 and subsequently, he was promoted to the present post. It is the case of the petitioner that he was falsely implicated in a criminal case which was the subject matter of crime No. 71 of 2004 of town police station, Medak, registered under Sections 353, 504 and 323 I.P.C. It is also stated that on 20-07-2004, while the petitioner, after completion of his duty, taking tea in a hotel, he had seen one of the conductors being beaten and forcibly taken by the police officials and that when he tried to enquire about the same, the petitioner was arrested on the same day i.e. 20-7-2004 and he was enlarged on bail on 21-7-2004. It is further stated that the 3rd respondent-Depot Manager, basing on the report of the S.I. of Police dated 25-07-2004, placed the petitioner under suspension without conducting any preliminary enquiry. The respondents-Corporation initiated departmental action against the petitioner for creating nuisance in a private hotel, and kept him under suspension by order No.M1/114(2)2004-MDK, dated 26-7-2004. The petitioner being aggrieved by the impugned order dated 26-07-2004, filed this writ petition seeking a Writ of Mandamus declaring the proceedings of the 3rd respondent
dated 26-7-2004 as illegal and arbitrary and to revoke the suspension order passed against him.

Having regard to the facts and circumstances of the case, the offences alleged to be committed by the petitioner is not during the course of discharge of his duties. It is a trivial offence, which may not require the respondents-Corporation resorting to pass orders of suspension against the petitioner. Therefore, the

impugned order dated 26-07-2004, passed against the petitioner is set aside. The 3rd respondent-Depot Manager is directed to expedite the enquiry pending against the petitioner at the earliest.

The Writ Petition is accordingly disposed of. No costs.

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02-08-2004

es/mjl

To

1 The Managing Director, A.P.S.R.T.C, Musheerabad, Hyderabad,
2 The Divisional Manager, A.P.S.R.T.C, Sangareddy, Medak District.
3 The Depot Manager, A.P.S.R.T.C, Medak Depot, Medak.

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